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SIPDIS

DHS FOR OFFICE OF INTERNATIONAL AFFAIRS AND VISA WAIVER PROGRAM
OFFICE/MARC FREY

DEPT FOR CA/VO

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SUBJECT: HOMELAND SECURITY STAFFDEL TALKS VISA WAIVER PROGRAM WITH
SLOVAKIA

¶1. SUMMARY: (SBU) On August 27th, Embassy Bratislava hosted five staffers from the House and Senate Committees on Homeland Security, along with Marc Frey, Director of the Visa Waiver Program Office at DHS, on the first stop of a regional fact-finding trip to Visa Waiver Program (VWP) member countries. The delegation held meetings with the Ministries of Foreign Affairs (MFA) and Interior (MOI) to review Slovakia's experience with VWP since its admission in November 2008. MOI officials provided an oral response to a Note Verbale regarding border security and also delivered to Frey a proposed implementing agreement for the Agreement on Enhancing Cooperation in Preventing and Combating Crime signed in October 2008. MFA officials expressed great satisfaction with VWP, although they also voiced concerns about the treatment of VWP travelers denied entry at the border. END SUMMARY.

MOI Reponse on Border Security Issues

¶2. (SBU) The Staffdel met with Michal Kopcik, First Vice President of the Slovak Police, Stanislav Jankovic, Second Vice President, and several other senior GOS officials. The Slovaks took the opportunity to respond to a Note Verbale which Post had delivered in May, in consultation with DHS, outlining three issues of USG concern about Slovak border security: the use of Air Slovakia flights from Amritsar, India, by a growing number of illegal migrants; a lack of information-sharing by the Slovak Border and Alien Police; and the issuance of second valid passports to Slovak citizens without limitation on validity or annotation.

¶3. (SBU) Regarding Air Slovakia, Director of Border and Alien Police Colonel Tibor Mako highlighted the successful joint operation conducted by Slovak and Italian police leading to the break-up earlier this year of a large smuggling ring responsible for trafficking hundreds of illegal aliens from South Asia, many by way of the Amritsar-Bratislava-Bergamo route flown by Air Slovakia. He asserted that improved training of Air Slovakia employees has largely eliminated this illegal migration route, as airline staff in Amritsar have caught 40 people holding false or invalid documents so far this year, all of whom were prevented from boarding their flights. Mako further claimed that Air Slovakia has been cooperative with the Police investigation and that there is no evidence of complicity by company employees in the illegal migration.

¶4. (SBU) Mako also agreed to hold regular meetings with

Conoffs, as requested in the Note, in order to share information about human smuggling into and through Slovakia, and he presented to us the 2008 Report on Legal and Illegal Migration in the Slovak Republic. Although neither Mako nor other MOI officials addressed Post's recommendation that Slovakia limit the validity of second passports in cases where Slovak citizens are issued two valid tourist passports, we have been told informally that legislation is pending that would require duplicate passports to be annotated as such. Mako also did not comment at all about instances of official malfeasance brought to our attention in the last year.

Meeting with MFA Officials

15. (SBU) In a separate meeting with Anna Petrasova, Acting Director for North America, and two officials from the Consular Department, the Slovaks were extremely positive about their country's experience with VWP. Still, they expressed concern about the treatment of Slovaks who are denied entry at the border while traveling under VWP, asserting that these travelers are being treated as criminals even in cases that should be handled as simple "administrative matters." Although they knew of no specific cases involving Slovaks, the MFA stated that other EU countries are concerned about reports that some travelers have been denied an interpreter during their interviews. According to these MFA officials, the EU has complained to DHS/CBP in writing and is preparing a consular visit this fall to observe U.S. immigration detention facilities in New Jersey.

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16. (SBU) Petrasova indicated that the impending change to "enforced ESTA compliance," whereby airlines will prevent VWP travelers without approved ESTA applications from boarding their flights to the U.S., would ameliorate Slovak concerns about U.S. detention policies by reducing the number of VWP travelers turned around at the border. She also inquired about legislation currently pending in the U.S. Congress that would levy a fee for the online ESTA application, which is required for people seeking to travel to the U.S. under VWP. Petrasova predicted that the EU would formally oppose the imposition of any fee.

17. COMMENT: (SBU) Although they anticipated EU criticism of an ESTA fee, MFA officials seemed much more interested in learning details about the timing and amount of the proposed fee than they did in staking out opposition to it. While it will certainly echo the EU's official stance on the matter, it seems likely that Slovakia's satisfaction with being included in VWP will outweigh any concern it may have about the imposition of an ESTA fee. END COMMENT.

18. (U) This cable has not been cleared by DHS or Homeland Security StaffDel.
EDDINS